

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING
1999 N. AMIDON, SUITE 350
WICHITA, KANSAS 67203
316-832-9906

IN THE MATTER OF:)
)
)
BRANDEN R. GLASS,)
 Respondent.)

Case No. 2015-0102
Certification No. 27972

**CONSENT AGREEMENT
AND
ORDER OF REVOCATION**

Now on this 15th day of march, 2017, the above-referenced matter comes on for consideration by the Kansas Commission on Peace Officers' Standards and Training (Commission). Pursuant to the Kansas Administrative Procedures Act, the Commission has delegated its authority to hear and decide the above-referenced matter to the following members of the Commission Investigative Committee - Commissioners Jeff Herrig, Chair, Michael Fleming, and Timothy Bauer. The Commission is represented by Michelle R. Meier, Commission Counsel, 1999 N. Amidon, Suite 350, Wichita, Kansas 67203. Janet Arndt, Assistant Attorney General, serves as General Counsel to the Commission. BRANDEN R. GLASS (Respondent) is present in person and is represented by Charles O'Hara.

1. Respondent fully understands and agrees to the following:

A. The Kansas Commission on Peace Officers' Standards and Training is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Law Enforcement Training Act (Act), K.S.A. 74-5601 *et seq.*, including conducting hearings and proceedings to suspend, revoke, reprimand, censure or deny the certification of a police officer or law enforcement officer.

B. On November 21, 2014, the Commission certified Respondent as a Full-Time law enforcement officer in the State of Kansas by issuing certification number 27972. At all times relevant hereto, Respondent held a current certification as a law enforcement officer in the State of Kansas. The Commission has jurisdiction over Respondent and the subject matter of this action.

C. Respondent understands that, pursuant to K.S.A. 77-515, and amendments thereto, he has the right to be represented by an attorney at his expense during these proceedings. Respondent is represented by attorney Charles O'Hara.

D. Respondent waives his right under the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, to an adjudicative hearing on a compliant filed in the above-referenced

matter. Respondent understands that by waiving his hearing he gives up the following rights: the right to confront and cross-examine all witnesses testifying against Respondent; the right to present evidence, the right to have the Commission issue subpoenas to bring all witnesses and evidence favorable to Respondent to a hearing, and the right to testify on his behalf.

E. Respondent agrees and understands that by waiving his right to a hearing, he also waives the right to have the hearing panel make specific findings of facts based upon clear and convincing evidence admitted at such hearing and state the conclusions of law on whether Respondent violated the Act or any regulation utilized in conjunction with the Act.

F. Respondent also waives his right to seek reconsideration by the hearing panel or to otherwise contest this Consent Agreement and Order of Revocation.

G. Respondent further waives his right to seek judicial review in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

H. The Commission has received certain information, has investigated, and has determined that there are reasonable grounds to believe that Respondent has committed an act or acts in violation of the Kansas Law Enforcement Training Act.

2. Respondent acknowledges and agrees that if this matter were to proceed to hearing, the following information or statements would be presented by clear and convincing evidence to the hearing panel.

- A. Respondent was employed as a law enforcement officer with the Wichita Police Department from June 9, 2014 to January 16, 2015.
- B. Between August 1, 2014 and August 10, 2014, Respondent held a party at his residence at [REDACTED]
- C. During the party, Respondent became angry at his guests because they were spilling drinks on the carpet, coming in and out of the residence and slamming his door, and some people were smoking marijuana in front of his residence.
- D. Respondent grabbed his handgun, held it above his head, "racked" the slide, and yelled, "Everyone get the fuck out!"
- E. Respondent grabbed the gun to intimidate and scare people into leaving his residence.
- F. CCL, JO, CJ, and DL were present when these actions occurred. CCL said that he took Respondent's actions seriously and he did not want anyone to get shot, including his son. JO said he was sad, mad, and scared because he did not know what was going to happen. CJ stated that she was scared and thought that she and the others could be shot, so she fled the residence. DL said that he was caught off guard, freaked out, and feared for his life. DL also stated that he thought his life, MRH's life, and their infant child's life were all in danger.

- G. In an interview with Detective Reichenberger and Detective Marceau of the Wichita Police Department, Respondent said the gun he grabbed was his Jimenez 9 mm handgun. Respondent eventually admitted that the gun he used was his police service weapon.
- H. On March 6, 2017, Respondent entered a nolo contendere plea, and was convicted, on three counts of misdemeanor assault in the District Court of Sedgwick County, case number 2015CR000008.
- I. Respondent did not contest the factual basis to support his conviction in case number 2015CR000008.

Respondent does not contest or dispute these facts.

3. Respondent acknowledges and agrees that if this matter were to proceed to a hearing, the facts stated in paragraph 2 above would constitute the following violations under the Kansas Law Enforcement Training Act and/or the regulations promulgated thereunder:

- A. Pursuant to K.S.A. 74-5616(b)(1), the Commission may revoke the certification of any police or law enforcement officer who fails to meet and maintain the requirements of K.S.A. 74-5605 or 74-5607a, and amendments thereto.
- B. K.S.A. 74-5605(b)(5) states that each applicant for certification shall be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.
- C. K.A.R. 106-2-4 defines good moral character as including the personal traits or qualities of integrity, honesty, upholding the laws of the state and nation, and conduct that warrants the public trust. Any single incident or event may suffice to show that an officer lacks or has failed to maintain good moral character sufficient to warrant the public trust.
- D. Respondent's conduct between August 1, 2014 and August 10, 2014 demonstrates a lack of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer.
- E. Pursuant to K.S.A. 74-5616(b)(5), the Commission may revoke the certification of any police or law enforcement officer who engages in conduct which, if charged as a crime, would constitute a misdemeanor crime that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission.
- F. K.A.R. 106-2-2a(5) states that pursuant to K.S.A. 74-5616 and amendments thereto, an applicant or officer shall not engage in conduct, whether or not charged as a crime or resulting in a conviction, that would constitute the

misdemeanor offense of assault, as defined in K.S.A. 2011 Supp. 21-5412 and amendments thereto.

- G. Respondent's conduct between August 1, 2014 and August 10, 2014 knowingly placed CCL, JO, CJ, and DL in reasonable apprehension of immediate bodily harm and constitutes the misdemeanor crime of assault.
- H. Pursuant to K.S.A. 74-5616(b)(7), the Commission may revoke the certification of any police or law enforcement officer who has engaged in unprofessional conduct as defined by rules and regulations of the commission.
- I. K.A.R. 106-2-3(j)(1) defines unprofessional conduct as intentionally using a false or deceptive statement in any official document or official communication.
- J. Respondent's conduct demonstrates unprofessional conduct by intentionally using a false or deceptive statement in any official document or official communication with Wichita Police Department detectives during their investigation. Respondent initially told detectives that the gun he pulled was his personal Jimenez 9 mm handgun. Respondent eventually admitted that the gun he used was his police service weapon.

4. Respondent acknowledges and agrees that the facts enumerated in paragraph 2 above and the violations enumerated in paragraph 3 above constitute grounds for the Commission to revoke Respondent's certification as a law enforcement officer. Respondent hereby waives any further proof in this or any other proceeding before or initiated by the Commission.

5. In lieu of an adjudicatory hearing, Respondent hereby voluntarily surrenders his certification as a law enforcement officer in the State of Kansas, certification number 27972.

6. By accepting this agreement and surrendering his certification, Respondent agrees and acknowledges that the Commission will revoke his certification as a law enforcement officer and that the following disposition is just and appropriate under the above stated facts.

A. Respondent agrees not to seek or request reinstatement or certification in Kansas for a period of five years (5) years from the effective date of this Consent Agreement and Order of Revocation.

B. Respondent agrees that should he violate the terms of this agreement and apply for reinstatement or certification, the Commission will deny his request or application for reinstatement, licensure, or certification by a Summary Proceeding Order, and such denial shall be based solely on the terms of this agreement and shall be final and conclusive.

C. Respondent agrees that if Respondent should ever again apply for certification or reinstatement as a law enforcement officer in the State of Kansas pursuant to paragraph 6.A., Respondent shall have the burden to prove, by clear and convincing evidence, that he is rehabilitated and competent to be certified as a law enforcement officer in the State of Kansas.

D. Respondent further agrees that in considering whether Respondent has met his burden of proof for certification or reinstatement under paragraph 6.C., the Commission may pursuant to K.S.A. 74-5622(b) consider any relevant evidence, and may, but shall not be required, to consider the following factors:

- i. the present moral fitness of the Respondent for performance of duties as a police officer or law enforcement officer;
- ii. the demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought upon the law enforcement profession and the administration of justice;
- iii. the extent of Respondent's rehabilitation;
- iv. the nature and seriousness of Respondent's original misconduct;
- v. the conduct subsequent to discipline;
- vi. the time elapsed since the original discipline; and
- vii. Respondent's character, maturity, and experience at the time of the original revocation.

E. As part of any future application for reinstatement or certification, the Commission shall have the right to require Respondent to submit to any physical and/or mental tests or examinations with providers of the Commission's choice and totally at Respondent's expense. If the Commission elects to have such tests or evaluations performed, Respondent shall authorize the release of all information related to such tests or examinations to the Commission or its representative. Should the Commission determine to recertify Respondent, the Commission may place any conditions or limitations to act or serve as a certified police officer or law enforcement officer, as the Commission may in its discretion deem necessary.

7. The Respondent acknowledges that the approval of this Consent Agreement and Order of Revocation by the Commission's disciplinary counsel shall not constitute the approval of the Commission or bind the Commission to approve this Consent Agreement and Order of Revocation. Respondent acknowledges and understands that the agreements and orders contained herein shall not become binding until this Consent Agreement and Order of Revocation is approved by the Commission.

8. Respondent agrees that all information in the possession of the Commission's Investigation Committee, its staff, its investigators, and its disciplinary counsel regarding the complaint leading to this disciplinary action; the investigation of the complaint; and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by any Commissioner as part of the presentation and consideration of this Consent

Agreement and Order of Revocation, with or without the presence of Respondent and/or his attorney.

9. In the event a hearing is necessary concerning the terms of this Consent Agreement and Order of Revocation or a Request for Reinstatement of Certification, Respondent further waives any objection to the Commissioners who considered this Consent Agreement and Order of Revocation or the documents and information mentioned in paragraph 8 above from participating in such hearing. Respondent further agrees to waive any claim of due process violation or the right to seek the disqualification of any Commissioner who considered said documents and information.

10. Respondent acknowledges and agrees that this Consent Agreement and Order of Revocation is in conformance with Kansas and federal law and that the Commission has jurisdiction to enter this agreement and order the revocation of his certification. Respondent further agrees that the Kansas Law Enforcement Training Act is constitutional on its face and as applied in this case.

11. In the event a Kansas court of competent jurisdiction deems any provision of this Consent Agreement and Consent Order invalid or unenforceable, it shall be severed and the remaining provisions of this Consent Agreement and Order of Revocation shall be given full force and effect.

12. Upon execution by all parties and entry as an order by the Commission, this Consent Agreement and Order of Revocation shall be a public record in the custody of the Commission and subject to disclosure pursuant to the Kansas Open Records Act.

13. This Consent Agreement and Order of Revocation shall become effective on the day it is approved, accepted, and entered as an order by the Commission.

14. Respondent acknowledges and agrees that this Consent Agreement and Order of Revocation shall remain a part of his permanent certification record. Respondent further understands that, for purposes of reporting to the National Decertification Index, this matter shall be categorized as Adverse Action Classification: Order of Revocation.

15. Respondent does hereby fully, completely, and finally release the Commission and its agents, staff, or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and whatsoever related to this Consent Agreement and Order of Revocation. The Commission admits to no liability in any way related to this Consent Agreement and Order of Revocation.

16. Respondent acknowledges that he enters this Consent Agreement and Order of Revocation freely and voluntarily after opportunity for consultation with counsel of his choosing. Respondent further acknowledges that he has read this Consent Agreement and Order of Revocation in its entirety, that he understands its legal consequences, and that he agrees that none of its provisions or terms are unconscionable, arbitrary, or capricious.

17. Respondent acknowledges and agrees that this Consent Agreement and Order of Revocation constitutes the entire and final agreement of the parties and may only be modified by a subsequent writing signed by both parties and approved by the Commission. The Consent Agreement and Order of Revocation shall be interpreted in accordance with the laws of the State of Kansas.

18. Based upon the above agreements, the Commission hereby accepts Respondent's surrender of his certification as a law enforcement officer and revokes her certification.

IT IS SO ORDERED.

KANSAS COMMISSION ON PEACE
OFFICERS' STANDARDS AND TRAINING

By: Jeff Herrig
Jeff Herrig, Commissioner and
Chair of Investigative Committee

AGREED AND APPROVED BY:

Branden R. Glass
BRANDEN R. GLASS, Respondent

STATE OF KANSAS
COUNTY OF SEDGWICK

BRANDEN R. GLASS personally appeared before me a notary public, in and for the county and state aforesaid, who being duly sworn, did in my presence execute the foregoing Consent Agreement and Order of Revocation by affixing his signature thereto.

IN WITNESS THEREOF, I have affixed by seal and signature this 6th day of March,
2017.

Donna E. Hoelscher
Notary Public

Seal





Michelle R. Meier, #20933
Commission Counsel
Kansas Commission on Peace Officers'
Standards and Training (KS-CPOST)
1999 N. Amidon, Suite 350
Wichita, KS 67203

CERTIFICATE OF SERVICE

This is to certify that on the 16th of March, 2017, a true and correct copy of the above and foregoing Consent Agreement and Order of Revocation was deposited in the U.S. mail, first-class postage prepaid, and addressed to:

BRANDEN R. GLASS



Charles O'Hara
Attorney for Respondent
1223 East First St
Wichita, KS 67214

And the Original filed with the Kansas Commission on Peace Officers' Standards and Training.



Rose Ann Ohmart
Staff

Kansas Commission on Peace Officers' Standards
and Training